



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Aging and Disability Services Administration

Subject of possible rule making: The department is considering creating a new chapter called "Intermediate Care Facilities for Persons with Mental Retardation (ICF/MR) reporting, investigation and findings" under Title 388-WAC, Department of Social and Health Services. The subject of the rule making will be due process rights for individuals working in ICF/MR state residential habilitation centers alleged to have abused, neglected, financially exploited, and/or abandoned a resident.

Statutes authorizing the agency to adopt rules on this subject:

Chapter 74.34 RCW, RCW 74.34.068, RCW 74.08.090 and RCW 71A.12.030

Reasons why rules on this subject may be needed and what they might accomplish: Vulnerable adult abuse reporting requirements and due process rights are codified in Chapters 388-78A and -97 WAC, and Chapter 74.34 RCW for individuals working in ICFs/MR that are licensed boarding homes or nursing homes.

All staff working in ICFs/MR, including state residential habilitation centers (RHCs) are subject to the requirements in Chapter 74.34 RCW.

These rules will formalize the due process rights and abuse reporting requirements for individuals working in state RHCs that are also ICFs/MR.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS.) and the Washington State Patrol (WSP). CMS and WSP will have the opportunity to review and comment on these WACs before they are finalized.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

Lisa N.H.Yanagida, Program Manager
Residential Care Services
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Phone: (360) 725-2589

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Draft WAC chapter language will be posted on the ADSA Professional internet webpage for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the Program Manager listed above via phone, e-mail, or fax. Interested parties and stakeholders can participate by accessing and commenting on the draft proposed rule language at <http://www.adsa.dshs.wa.gov/professional/icfmr.htm> through e-mail, fax or direct contact with the Program Manager.

DATE

September 10, 2010

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

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